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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,553	11/09/2001	Robert O. Aberg	MWS-009	6757
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LAHIVE & COCKFIELD 28 STATE STREET BOSTON, MA 02109				
			EXAMINER BRIER, JEFFERY A	
			ART UNIT 2672	PAPER NUMBER 5

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,553

Applicant(s)

ABERG ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8,11-16,18,20,21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 5-7,9,10,17,19 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the various diagrams listed in claim 13 are not all discussed in the specification.

Claim Objections

2. Claim 13 is objected to because of the following informalities: kinimatic seems to be misspelled, should it be kinematic? Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 line 4 "said diagram" lacks antecedent basis because it is not clear which of the several diagrams claimed earlier in the claim are stored in the configuration management system

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 13-16, 18, 20, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schatz et al., U.S. Patent No. 5,845,270.

Schatz describes comparing at least two electronic diagrams, column 1 lines 41-45, and merging at least two electronic diagrams, column 10 line 65 to column 11 line 21, and Schatz also describes comparing at least two state diagrams, column 1 lines 36-39, and merging at least two state diagrams, column 10 line 65 to column 11 line 21.

A detailed analysis of the claims follows.

Claim 1:

Schatz teaches in an electronic device (*see figure 6, computer system 600 is an electronic device since it uses an magnetic disk, column 5 line 38, and since it uses a cathode ray tube for a display, column 5 line 42*) interfaced with a display surface (*column 5 lines 40-43 discusses various displays 621 connected to computer 600*), a method, comprising the steps of providing two electronic diagrams (*Schatz discusses circuit diagrams used in electrical engineering as being the*

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types of diagrams Schatz compares and merges at column 1 lines 41-45), said electronic diagrams having blocks (electrical components are often grouped as blocks in electrical circuit diagrams, such as used in depicting an integrated circuit, microprocessor, memory, etc.) representing components of a system;

determining corresponding features of said electronic diagrams that are present in both of said electronic diagrams (*in the merging of diagrams Schatz determines redundant diagram features, see column 11 lines 49-52 and 64-67*);

determining differences between said electronic diagrams (*in the merging of diagrams Schatz determines differences between diagram features when at least the redundant diagram features are determined, see column 11 lines 49-52 and 64-67*); and

programmatically merging (*column 11 line 38-67 describes merging at least two diagrams*) differences copied from a selected one of said two electronic diagrams into the other of said electronic diagrams at a corresponding location in said other electronic diagram (*Schatz merges one diagram into a second diagram when at column 11 lines 12-15 where Schatz wrote "It should be understood that a merged network diagram may be displayed as an extension of either the of the original network diagrams or a new network diagram" and at column 11 lines 49-52*

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and 64-67 Schatz describes removing duplicate trees, this merges the differences from one into the other diagram).

Claim 2:

Schatz teaches the method of claim 1 wherein said programmatically merging differences comprises the further step of:

replacing data elements of said other electronic diagram with copied differences from said selected one of said two electronic diagrams (*when the merged diagram is an extension of one of the diagrams then it receives diagram components and when the difference is additional attributes for a corresponding diagram component exists in a second diagram then the second diagram's component replaces the first diagram's component*).

Claim 3:

Schatz teaches the method of claim 2, comprising the further step of:

cascading hierarchically the replacement of data elements wherein said data elements being replaced are arranged in a tree structure (*Schatz discusses at column 11 lines 28-35 and 42-47 replacing the tree structure of one diagram with the tree structure of another diagram during the merge process*), said tree structure having parent data elements with child data elements attached thereto, said child data elements being replaced when said parent

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data element is replaced (when a tree structure is replaced the child data associated with parent data is replaced).

Claim 4:

Schatz discusses at column 4 lines 28-30 trees that are overlapping, thus, the parent nodes of two diagrams may be the same but the child nodes may have differences causing the child node in the second diagram to replace the child node in the first diagram, thus Schatz teaches the method of claim 3 wherein only said child data elements are replaced.

Claim 13:

The specific diagrams discussed in the Schatz's description of the related art are the diagrams that Schatz merges. Schatz teaches the method of claim 1, wherein said two electronic diagrams are at least one of block diagrams (*Schatz teaches block diagrams at column 1 lines 40-42 since economic diagrams are block diagrams*), state diagrams (*Schatz teaches state diagrams at column 1 lines 36-39*), signal diagrams (*Schatz teaches signal diagrams at column 1 lines 34-37 and 41-45 since telecommunication or data communication networks and electrical circuit represent signal flow through the network*), flow chart diagrams (*Schatz teaches flow charts at column 1 lines 37-40 because state diagrams are flow charts*), sequence diagrams (*Schatz teaches sequence diagrams at*

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column 1 lines 40-43 since the flow of currency is time related thus the economic diagrams are sequence diagrams), UML diagrams (Unified Modeling Language diagrams is not expressly taught by Schatz but since at column 1 line 40 Schatz discusses diagrams that model computer programs then Schatz inherently contemplates comparing and merging UML diagrams), dataflow diagrams (Schatz teaches dataflow diagrams at column 1 lines 34-39 and 41-45 since telecommunication or data communication networks, state transition diagrams and electrical circuit represent data flow through the network), circuit diagrams (Schatz teaches circuit diagrams at column 1 lines 41-45), ladder logic diagrams (this is covered by the electrical circuit diagrams because ladder circuits and ladder logic circuits are used in electrical engineering) and Kinimatic element diagrams (this should be kinematic element diagram-a diagram that shows kinematic flow, this is inherent since at column 1 lines 19-25 describes general system modeling).

Claim 14:

Schatz discusses at column 11 lines 5-8 aggregates which has multiple domains since a diagram may be an aggregate of several systems each having its own unique domain.

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Claim 15:

This claim is similar to claim 1. The difference is claim 1 claimed an electronic diagram while this claim claims a state diagram. Both types of diagrams are discussed at column 1 lines 37-45. This claim is rejected for the reasons given for claim 1 and in view of the fact that state diagrams are compared and merged by Schatz.

Claim 16:

See the discussion of claim 2.

Claim 18:

This claim is similar to claim 1. The difference is this claim is claiming essentially the electronic device of claim 1 is connected to a network and having the electronic diagrams received by the electronic device over the network. Schatz teaches at column 6 lines 7-28 storing the data to be analyzed at a location different than the computer 600 and computer 600 is connected to a network LAN/WAN via network interface 603. Thus, the electronic diagrams compared and merged by Schatz are retrieved from a database via the network, stored locally, and then compared and merged.

Claim 20:

This claim is similar to claim 1, the difference is this claim claims *In an electronic device interfaced with a display surface, a medium holding computer-executable instructions for a method* where the method is the

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same method claimed in claim 1. Schatz discusses at column 5 lines 29-30 and column 6 lines 14-17 storing instructions for the processes executed by the processor 602 in main memory 604. Main memory 604 is a medium holding the computer executable instructions for performing the comparing and merging.

Claim 21:

See the discussion of claim 2.

Claim 23:

Schatz teaches the medium of claim 20 wherein said method comprises the additional steps of:

determining differences in at least one additional electronic diagram (*in the merging of diagrams Schatz determines differences between diagram features when at least the redundant diagram features are determined, see column 11 lines 49-52 and 64-67*); and

merging said differences from at least one additional electronic diagram into said electronic diagrams (*column 11 line 38-67 describes merging at least two diagrams, column 11 lines 49-52 and 64-67 describes removing duplicate trees this step merges the differences from one into the other diagram, Schatz merges one diagram into a second diagram when at column 11 lines 12-15 where Schatz wrote "It should be understood that a merged network diagram may be*

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displayed as an extension of either the of the original network diagrams or a new network diagram").

Claim 24:

This claim is very similar to claim 23, the difference is this claim claims said diagram being stored in a configuration management system. The system of Schatz is considered to be a configuration management system since it configures a new system diagram the manages a new process.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schatz et al., U.S. Patent No. 5,845,270 in view of Hsu, U.S. Patent No. 5,974,254.

Claim 8:

Claim 8 depends upon claim 1.

Schatz does teach *updating said display surface following the performance of said merging operation, said updating showing the differences copied to said other electronic diagram* because Schatz displays the merged electronic diagram, thus, showing the differences copied into the

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other electronic diagram and applicant did not claim how these differences are displayed.

Schatz does not teach *highlighting the differences in said electronic diagrams for a user on a display surface of a display device, said display surface showing both of said diagrams.*

Hsu teaches *highlighting the differences in said electronic diagrams for a user on a display surface of a display device, said display surface showing both of said diagrams* at column 9 line 5 to column 10 line 67 and with reference to figure 4 .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to display in Schatz both of the electronic diagrams and to highlight the differences between the two diagrams so the user will be able to quickly determine the merits of merging the two diagrams. The user needs this assistance because many diagrams are complex and the differences between the two or more diagrams may not be readily apparent without the aid of a computer highlighting the differences.

Claim 11:

Claim 11 depends upon claim 1

Schatz does teach replacing the difference item in said other electronic diagram with a copy of the difference item from a selected one of said two electronic diagrams.

Schatz does not teach *presenting said differences in said electronic diagrams on a display surface of a display device,*

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said display surface split to show both of said electronic diagrams;

highlighting a difference item in said selected one of said two electronic diagrams;

highlighting a difference item in said other electronic diagram that corresponds to the matching highlighted difference in said selected one of said two electronic diagrams; and

replacing the highlighted difference item in said other electronic diagram with a copy of the highlighted difference item from said selected one of said two electronic diagrams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to display in Schatz both of the electronic diagrams and to highlight the differences that will be subject to between the two diagrams so the user will be able to quickly determine the merits of merging the two diagrams and it would have been obvious to replace the highlighted difference in one diagram with the highlighted difference in the other diagram so the user will quickly know which items will be merged from one diagram into the other diagram. The user needs this assistance because many diagrams are complex and the differences between the two or more diagrams may not be readily apparent without the aid of a computer highlighting the differences and because the user would have difficulty in knowing what items have been merged from one diagram into the other diagram.

Claim 12:

Claim 12 depends upon claim 11. Schatz teaches replacing a data element in a highlighted (*above modification teaches highlighting*) difference item in said other electronic diagram, said data element being a child data element (*Schatz teaches tree structures see the discussion of claims 3, 4 and 12 above*) in said other electronic diagram, said data element being part of a tree structure, said tree structure having parent data elements with child data elements attached thereto (*see the discussion of claims 3, 4 and 12 above*).

Allowable Subject Matter

9. Claims 5-7, 9, 10, 17, 19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter.

Claims 5-7, 17, 19 and 22:

The prior art of record fails to teach or suggest *categorizing said differences between said two diagrams as functional differences and graphical differences, copying all of said functional differences from said selected one of said two diagrams, and*

copying less than all of said graphical differences from said selected one of said two diagrams because the graphical representation of the diagram is very important to understanding the diagram and motivation to copy less than all of the graphical differences is not present in the prior art of record.

Claims 9 and 10:

The prior art of record fails to teach or suggest *determining a distance on said display surface from an endpoint of a line to an updated connection point for a block in said electronic diagram, said updated connection point being the connection point of a line and a block following a merge operation;*
comparing said distance to a pre-defined parameter, said pre-defined parameter being a distance value;
extending said displayed arrowed line to said updated connection point when said distance is less than said pre-defined parameter because Schatz at column 10 lines 28-47 distance is not discussed as being a parameter that controls the visual appearance of a line.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sakata, U.S. Patent No. 5,086,408, teaches merging vector data.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

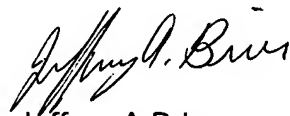
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
Art Unit 2672